

UNOFFICIAL VERSION

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THURSDAY, MARCH 15, 2012

SIXTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Roderick L. Ware of New Monumental Baptist Church in Chattanooga, Tennessee, a guest of Senator Berke.

PLEDGE OF ALLEGIANCE

Senator Berke led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2199, 2243 with amendment, 2245 with amendment, 2250, 2252, 2422 with amendment, 2563, 3578 with amendment and 3644.

MCNALLY, Chairperson
March 13, 2012

The Speaker announced that he had referred Senate Bills Nos. 2199, 2243 with amendment, 2245 with amendment, 2250, 2252, 2422 with amendment, 2563, 3578 with amendment and 3644 to the Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1223 with amendment, 2740, 2920, 3358 with amendment, 3374, 3411 with amendment and 3649; and House Joint

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Resolutions Nos. 522 and 568; also, recommend that Senate Bills Nos. 1452 with amendment, 2289 with amendment, 2421 with amendment, 2533, 3248, 3337 with amendment, 3401 and 3620 be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
March 13, 2012

The Speaker announced that he had referred Senate Bills Nos. 1223 with amendment, 2740, 2920, 3358 with amendment, 3374, 3411 with amendment and 3649; and House Joint Resolutions Nos. 522 and 568 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1452 with amendment, 2289 with amendment, 2421 with amendment, 2533, 3248, 3337 with amendment, 3401 and 3620 to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2645, 2714 with amendment and 2943; also, recommend that Senate Bill No. 3241 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson
March 13, 2012

The Speaker announced that he had referred Senate Bills Nos. 2645, 2714 with amendment and 2943 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 3241 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2671 with amendment; and Senate Resolutions Nos. 79, 80, 81 and 82; also, recommend that Senate Bill No. 2253 with amendment be referred to Committee on Health and Welfare; and Senate Bills Nos. 2438 with amendment and 2510 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
March 13, 2012

The Speaker announced that he had referred Senate Bill No. 2671 with amendment; and Senate Resolutions Nos. 79, 80, 81 and 82 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2253 with amendment to the Committee on Health and Welfare.

The Speaker announced that he had referred Senate Bills Nos. 2438 with amendment and 2510 to the Committee on Finance, Ways and Means.

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HEALTH AND WELFARE

MR. SPEAKER: Your Committee on Health and Welfare begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2416 with amendment, 2587 with amendment and 2910.

CROWE, Chairperson
March 14, 2012

The Speaker announced that he had referred Senate Bills Nos. 2416 with amendment, 2587 with amendment and 2910 to the Committee on Calendar.

ENERGY AND ENVIRONMENT

MR. SPEAKER: Your Committee on Energy and Environment begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3590 with amendment; also, recommend that Senate Bill No. 2902 be referred to Committee on Finance, Ways and Means.

SOUTHERLAND, Chairperson
March 14, 2012

The Speaker announced that he had referred Senate Bill No. 3590 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2902 to the Committee on Finance, Ways and Means.

TRANSPORTATION AND SAFETY

MR. SPEAKER: Your Committee on Transportation and Safety begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2237 with amendment, 2807 with amendment, 2839 with amendment, 2978 with amendment and 3626 with amendment; also, recommend that Senate Bills Nos. 429 with amendment, 2617 with amendment, 2678 with amendment, 2778 with amendment, 2955 with amendment and 3110 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson
March 14, 2012

The Speaker announced that he had referred Senate Bills Nos. 2237 with amendment, 2807 with amendment, 2839 with amendment, 2978 with amendment and 3626 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 429 with amendment, 2617 with amendment, 2678 with amendment, 2778 with amendment, 2955 with amendment and 3110 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 893 with amendment, 2156 with amendment, 2302, 2431, 2646 with amendment, 2802, 2900, 2908, 3060 with amendment, 3122

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with amendment, 3392, 3588 with amendment, 3640 with amendment and 3749 with amendment; and Senate Joint Resolution No. 552; also, recommend that Senate Bills Nos. 2298 with amendment and 3065 be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
March 14, 2012

The Speaker announced that he had referred Senate Bills Nos. 893 with amendment, 2156 with amendment, 2302, 2431, 2646 with amendment, 2802, 2900, 2908, 3060 with amendment, 3122 with amendment, 3392, 3588 with amendment, 3640 with amendment and 3749 with amendment; and Senate Joint Resolution No. 552 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2298 with amendment and 3065 to the Committee on Finance, Ways and Means.

PRESENTATION

Senator Burks presented **Senate Joint Resolution No. 576** to the Veterans Honor Guard.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

MOTION

Senator McNally moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 696**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 696 by Senators McNally and Bell.
Memorials, Public Service -- Sgt. Lowell Russell, Tennessee Highway Patrol.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 696** was adopted.

A motion to reconsider was tabled.

PRESENTATION

Mr. Speaker Ramsey presented **Senate Joint Resolution No. 556** to Representatives of Rocky Mount Museum.

PRESENTATION

Senator Watson introduced Congressman Chuck Fleischmann, who made remarks to the Senate.

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MR. SPEAKER RAMSEY RESUMES CHAIR

Mr. Speaker Ramsey resumed the Chair.

REFERRAL OF BILL

Mr. Speaker Ramsey announced he had referred the following Senate Bill to the Committee on Delayed Bills: **Senate Bill No. 3799**.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3798 and 3800** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3798 by Senator Roberts.

Portland -- As introduced, updates charter for the City of Portland. Amends Chapter 288 of the Acts of 1905; as repealed.

Senate Bill No. 3800 by Senator Norris.

Atoka -- As introduced, subject to local approval, revises the town charter. Amends Chapter 373 of the Private Acts of 1911; as amended.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2292, 2441, 2442, 2548, 2768, 2859, 3067, 3539 and 3848** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2292 -- Highway Signs -- As introduced, names bridge on U.S. 127 in Cumberland County in honor of the late Frederick A. Hassler, U.S. Army.

House Bill No. 2441 -- Criminal Procedure -- As introduced, eliminates the 72-hour time period restriction on determinations concerning good cause where the surrender is based on a conditional or final judgment of forfeiture issued by the court. Amends TCA Section 40-11-137.

House Bill No. 2442 -- Bail, Bail Bonds -- As introduced, requires a person seeking to own a bonding company have two years of experience writing bail as a full-time agent with a professional bonding company in good standing. Amends TCA Title 40, Chapter 11, Part 3.

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House Bill No. 2548 -- Education -- As introduced, requires schools to notify parents, by way of student handbooks or policy guidebooks, of school-associated extracurricular activities and gives parents the opportunity to prohibit their child from participating. Amends TCA Title 49, Chapter 6.

House Bill No. 2768 -- Herbal Products and Natural Foods -- As introduced, prohibits harvesting wild ginseng outside of wild ginseng harvest season from any land not owned by such person, and removes present intent that such harvesting be for the purpose of sale or export. Amends TCA Title 70, Chapter 8, Part 2.

House Bill No. 2859 -- Judicial Officers -- As introduced, authorizes the general sessions judges of Williamson County to appoint judicial commissioners; clarifies that when the general sessions judges cannot agree on a judicial commissioner appointment, the chief legislative body shall appoint the judicial commissioner; however, the general sessions judges would still supervise that judicial commissioner. Amends TCA Title 40, Chapter 1.

House Bill No. 3067 -- Election Laws -- As introduced, allows City of Estill Springs to permit nonresident property owners to vote in municipal elections upon two-thirds approval of municipal legislative body. Amends TCA Section 6-53-102.

House Bill No. 3539 -- Schools, Charter -- As introduced, makes charter schools subject to open meetings law; requires charter schools to maintain a Web site and post certain notices and information on the Web site; makes charter school records open records to the same extent as records of public schools operated by LEAs. Amends TCA Title 49, Chapter 13.

House Bill No. 3848 -- McMinn County -- As introduced, subject to local approval, dissolves the Woods Memorial Hospital District Board of Trustees in McMinn County. Repeals Chapter 13 of the Private Acts of 1965.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3797** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 3797 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 672 through 695**; and **Senate Resolutions Nos. 89 and 90** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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Senate Joint Resolution No. 672 by Senators Ketron and Tracy.

Memorials, Sports -- Riverdale High School Lady Warriors basketball team, Class AAA State Champions.

Senate Joint Resolution No. 673 by Senator Henry.

Memorials, Recognition -- Scottsboro United Methodist Church, 100th anniversary.

Senate Joint Resolution No. 674 by Senator Kyle.

Memorials, Recognition -- Tennessee Education Lottery Corporation and the Tennessee Education Lottery.

Senate Joint Resolution No. 675 by Senator Overbey.

Memorials, Academic Achievement -- Adam Michael Barton, Salutatorian, William Blount High School.

Senate Joint Resolution No. 676 by Senator Overbey.

Memorials, Academic Achievement -- Chelsie Kay Smith, Valedictorian, Heritage High School.

Senate Joint Resolution No. 677 by Senator Overbey.

Memorials, Academic Achievement -- Evan Chase Nelson, Salutatorian, Heritage High School.

Senate Joint Resolution No. 678 by Senator Overbey.

Memorials, Academic Achievement -- Emily Magee Guillaume, Valedictorian, William Blount High School.

Senate Joint Resolution No. 679 by Senator Beavers.

Memorials, Academic Achievement -- Jacob Bilbrey, Valedictorian, Macon County High School.

Senate Joint Resolution No. 680 by Senator Beavers.

Memorials, Academic Achievement -- Cassandra Cooper, Salutatorian, Clay County High School.

Senate Joint Resolution No. 681 by Senator Beavers.

Memorials, Academic Achievement -- Mary Elizabeth Copeland, Valedictorian, Clay County High School.

Senate Joint Resolution No. 682 by Senator Beavers.

Memorials, Academic Achievement -- Rachel Marie Wakefield, Salutatorian, Macon County High School.

Senate Joint Resolution No. 683 by Senator Beavers.

Memorials, Academic Achievement -- Tori West, Salutatorian, Smith County High School.

Senate Joint Resolution No. 684 by Senator Beavers.

Memorials, Academic Achievement -- Amber Gross, Valedictorian, Smith County High School.

Senate Joint Resolution No. 685 by Senator Beavers.

Memorials, Academic Achievement -- Timmy Allen Harper, Valedictorian, Trousdale County High School.

Senate Joint Resolution No. 686 by Senator Beavers.

Memorials, Academic Achievement -- Shelby Gregory, Salutatorian, Trousdale County High School.

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Senate Joint Resolution No. 687 by Senator Norris.
Memorials, Retirement -- Gleya Twilla.

Senate Joint Resolution No. 688 by Senator Norris.
Memorials, Retirement -- Jane Heathcott.

Senate Joint Resolution No. 689 by Senator Yager.
Highway Signs -- "Paul Easter Bridge", Midtown interchange on I-40 in Roane County.

Senate Joint Resolution No. 690 by Senator Yager.
Highway Signs -- "James W. Harmon Bridge", Midtown interchange on I-40 in Roane County.

Senate Joint Resolution No. 691 by Senator Massey.
Memorials, Death -- Judge Charles Howard Bozeman.

Senate Joint Resolution No. 692 by Senator Watson.
Memorials, Sports -- Soddy Daisy High School wrestling team.

Senate Joint Resolution No. 693 by Senator Beavers.
Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 5 to provide for selection of the state attorney general by means of gubernatorial appointment with legislative confirmation; and provides for a four-year term of office.

Senate Joint Resolution No. 694 by Senator Watson.
Memorials, Sports -- University of Tennessee at Chattanooga Mocs wrestling team, Southern Conference Tournament Champion.

Senate Joint Resolution No. 695 by Senators Yager and McNally.
Memorials, Retirement -- Dr. Gary Goff.

Senate Resolution No. 89 by Mr. Speaker Ramsey and Senator Yager.
General Assembly, Confirmation of Appointment -- Pastor Keith Norman, Tennessee Ethics Commission.

Senate Resolution No. 90 by Senator Watson.
Memorials, Interns -- Alex King.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 614, 745, 747, 748, 752 and 754 through 757**; and **Senate Joint Resolutions Nos. 666 through 671** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 614 -- Memorials, Congress -- Urges Congress to return to more original understanding of the Commerce Clause of the federal Constitution.

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The Speaker announced that he had referred House Joint Resolution No. 614 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 745 -- Memorials, Recognition -- Detective Christopher Golden, Bartlett Police Department 2011 Officer of the Year.

The Speaker announced that he had referred House Joint Resolution No. 745 to the Committee on Calendar.

House Joint Resolution No. 747 -- Memorials, Retirement -- John Sanford.

The Speaker announced that he had referred House Joint Resolution No. 747 to the Committee on Calendar.

House Joint Resolution No. 748 -- Memorials, Professional Achievement -- Ashley Harris, Teacher of the Year, Williamson County.

The Speaker announced that he had referred House Joint Resolution No. 748 to the Committee on Calendar.

House Joint Resolution No. 752 -- Memorials, Death -- Rev. Eugene "Gene" W. Whited.

The Speaker announced that he had referred House Joint Resolution No. 752 to the Committee on Calendar.

House Joint Resolution No. 754 -- Memorials, Academic Achievement -- Chenran Liu, Siemens Foundation Award for Advanced Placement.

The Speaker announced that he had referred House Joint Resolution No. 754 to the Committee on Calendar.

House Joint Resolution No. 755 -- Memorials, Recognition -- Jiffy Steam Company, SHARP Award.

The Speaker announced that he had referred House Joint Resolution No. 755 to the Committee on Calendar.

House Joint Resolution No. 756 -- Memorials, Recognition -- John "Johnny" Boyd Cothran, Cothran Farms, Century Farm.

The Speaker announced that he had referred House Joint Resolution No. 756 to the Committee on Calendar.

House Joint Resolution No. 757 -- Memorials, Death -- Pastor Steve Gray.

The Speaker announced that he had referred House Joint Resolution No. 757 to the Committee on Calendar.

Senate Joint Resolution No. 666 -- Memorials, Sports -- Webb School of Knoxville Lady Spartans basketball team, Division II-A State Championship.

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The Speaker announced that he had referred Senate Joint Resolution No. 666 to the Committee on Calendar.

Senate Joint Resolution No. 667 -- Memorials, Death -- Max Broyles.

The Speaker announced that he had referred Senate Joint Resolution No. 667 to the Committee on Calendar.

Senate Joint Resolution No. 668 -- Memorials, Congress -- Urges the U.S. Department of Health and Human Services to resolve a longstanding Medicare liability owed to Tennessee and all the States for Medicaid.

The Speaker announced that he had referred Senate Joint Resolution No. 668 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 669 -- Memorials, Recognition -- Roane State Community College.

The Speaker announced that he had referred Senate Joint Resolution No. 669 to the Committee on Calendar.

Senate Joint Resolution No. 670 -- Memorials, Sports -- Tennessee Tech's softball team.

The Speaker announced that he had referred Senate Joint Resolution No. 670 to the Committee on Calendar.

Senate Joint Resolution No. 671 -- Naming and Designating -- "Child Abuse Prevention Month", April, 2012.

The Speaker announced that he had referred Senate Joint Resolution No. 671 to the Committee on Judiciary.

CONSENT CALENDAR

Senate Joint Resolution No. 647 -- Memorials, Recognition -- "*Undefeated*", 2012 Academy Award for Best Documentary Feature.

Senate Joint Resolution No. 648 -- Memorials, Recognition -- William Jenkins Wilcox, Jr.

Senate Joint Resolution No. 649 -- Memorials, Death -- Woodson Worden Covington.

Senate Joint Resolution No. 650 -- Memorials, Death -- Charles David Lockett.

Senate Joint Resolution No. 651 -- Memorials, Professional Achievement -- Ben and Jennifer Moore, Tennessee Farm Bureau's Outstanding Young Farmer and Achievement Award.

Senate Joint Resolution No. 652 -- Memorials, Sports -- Bettye Giles.

Senate Joint Resolution No. 653 -- Memorials, Death -- Theodore C. Sorensen.

Senate Joint Resolution No. 654 -- Memorials, Sports -- Scott Hewett.

Senate Joint Resolution No. 655 -- Memorials, Recognition -- Tyler Verdell.

Senate Joint Resolution No. 656 -- Memorials, Recognition -- Patrick Willis.

Senate Joint Resolution No. 657 -- Memorials, Death -- Rev. John E. Pugh.

Senate Joint Resolution No. 658 -- Memorials, Death -- James E. Porter.

Senate Joint Resolution No. 659 -- Memorials, Death -- Professor Robert Belton.

Senate Joint Resolution No. 660 -- Memorials, Death -- Dr. Ernest Harriss.

Senate Joint Resolution No. 661 -- Memorials, Death -- Phyllis Ann Whitney Couch.

Senate Joint Resolution No. 662 -- Memorials, Death -- Samuel Shelton Crass, Jr.

Senate Joint Resolution No. 663 -- Memorials, Death -- Mildred "Mickey" Presley Fickey.

Senate Joint Resolution No. 664 -- Memorials, Recognition -- Beta Sigma Phi Sorority.

Senate Joint Resolution No. 665 -- Memorials, Death -- Dr. Roy C. "Doc" Ellis.

Senate Resolution No. 87 -- Memorials, Interns -- Brandon Allen McArthur.

House Joint Resolution No. 737 -- Memorials, Recognition -- David "Davy" Crockett & the Crockett Family Reunion 2012.

House Joint Resolution No. 738 -- Memorials, Recognition -- Johnny Lunday.

House Joint Resolution No. 739 -- Memorials, Professional Achievement -- Tom Hopkins, Belz-Lipman Holocaust Educator of the Year Award.

House Joint Resolution No. 740 -- Memorials, Recognition -- Jack Foddrill.

House Joint Resolution No. 741 -- Memorials, Retirement -- Jerry P. Simmons.

House Joint Resolution No. 749 -- Memorials, Recognition -- Angela Alexander, Gallatin Citizen of the Year.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3773 -- Franklin -- As introduced, expands power of the City of Franklin regarding the construction, maintenance, and repair of public sidewalks. Amends Chapter 79 of the Acts of 1903; as amended.

On motion, Senate Bill No. 3773 was made to conform with **House Bill No. 3844**.

On motion, House Bill No. 3844, on same subject, was substituted for Senate Bill No. 3773.

Senate Bill No. 3774 -- Franklin -- As introduced, subject to local approval, prohibits candidates from running for more than one elective office in City of Franklin elections. Amends Chapter 79 of the Private Acts of 1903; as amended.

On motion, Senate Bill No. 3774 was made to conform with **House Bill No. 3845**.

On motion, House Bill No. 3845, on same subject, was substituted for Senate Bill No. 3774.

Senate Bill No. 3775 -- Franklin -- As introduced, subject to local approval, clarifies charter provisions involving the office of Vice-Mayor in the City of Franklin. Amends Chapter 79 of the Acts of 1903; as amended.

On motion, Senate Bill No. 3775 was made to conform with **House Bill No. 3843**.

On motion, House Bill No. 3843, on same subject, was substituted for Senate Bill No. 3775.

Senate Bill No. 3776 -- McMinn County -- As introduced, subject to local approval, dissolves the Woods Memorial Hospital District Board of Trustees in McMinn County. Repeals Chapter 13 of the Private Acts of 1965.

On motion, Senate Bill No. 3776 was made to conform with **House Bill No. 3848**.

On motion, House Bill No. 3848, on same subject, was substituted for Senate Bill No. 3776.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2598 -- Radio and Television -- As introduced, designates as confidential and not subject to open records laws any records obtained by or disclosed to a municipality or county by a cable or video service provider for the purpose of an audit or review. Amends TCA Title 7, Chapter 59, Part 3 and Section 10-7-504.

On motion, Senate Bill No. 2598 was made to conform with **House Bill No. 3053**.

On motion, House Bill No. 3053, on same subject, was substituted for Senate Bill No. 2598.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3053** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2672 -- Probation and Parole -- As introduced, permits private probation providers who meet certain qualifications and contract with the Department of Correction to supervise Class E felony offenders who are granted probation. Amends TCA Title 40.

Senator Finney declared Rule 13 on **Senate Bill No. 2672**.

On motion, Senate Bill No. 2672 was made to conform with **House Bill No. 2830**.

On motion, House Bill No. 2830, on same subject, was substituted for Senate Bill No. 2672.

Thereupon, **House Bill No. 2830** passed its third and final consideration by the following vote:

Ayes 27
Noes 3

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Berke, Herron and Marrero--3.

A motion to reconsider was tabled.

Senate Bill No. 2712 -- Correction, Dept. of -- As introduced, requires department to cap non-contract payments to correctional healthcare providers at 110 percent of the federal Medicare reimbursement rate; requires hospitals and other medical service providers to bill Medicaid for all eligible inmate inpatient hospital and professional services. Amends TCA Title 41.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, is amended by adding the following as a new, appropriately designated section thereto:

41-21-____.

(a) The department is directed to study how to reduce the state's correctional healthcare costs. The study shall include the following issues:

(1) Requiring hospitals and other medical service providers to bill Medicaid for eligible inmate inpatient hospital and professional services;

(2) Implementing improper payment detection, prevention and recovery solutions to reduce correctional healthcare costs by introducing prospective solutions to eliminate overpayments and retrospective solutions to recover those overpayments that have already occurred;

(3) Capping non-contract correctional healthcare reimbursement rates at one hundred ten percent (110%) of the Medicare reimbursement rate; and

(4) Embracing technologies to better manage correctional healthcare expenses.

(b) The Bureau of TennCare shall assist the department in its study of the issues listed in subsection (a) that may involve the bureau.

(c) The department shall complete its study and report all findings and recommendations to the House of Representatives and Senate State and Local Government Committees by February 1, 2013.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2712**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2717 -- Gas, Petroleum Products, Volatile Oils -- As introduced, defines "natural gas equipment" and "natural gas provider"; creates limited tort liability for natural gas providers if the cause of the injury or damages was from an undiscoverable alteration, modification or repair by the natural gas provider or an unforeseen use of the natural gas equipment. Amends TCA Title 29, Chapter 34, Part 2.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from the first sentence of subsection (b) of 29-34-2 of the amendatory language of Section 1 the language "damages was caused by" and substituting instead the language "damages was caused by actions of an ultimate consumer by".

AND FURTHER AMEND by designating the existing language of subsection (c) of 29-34-2 of the amendatory language of Section 1 as subdivision (c)(1) and by adding the following new subdivision (c)(2):

(2) This section applies to liability resulting from retail operations at the point of sale only. Nothing in this section shall be construed as affecting, modifying, or eliminating, the liability of a manufacturer of natural gas equipment or its employees under any legal claim, including, but not limited to, product liability claims,

On motion, Amendment No. 1 was adopted.

Senator Ketron moved that **Senate Bill No. 2717**, as amended, be moved one place down on the Calendar for today, which motion prevailed.

Senate Bill No. 2723 -- Local Education Agencies -- As introduced, allows local boards of education to conduct scheduled board meetings electronically in some circumstances. Amends TCA Title 8, Chapter 44, Part 1 and Title 49, Chapter 2.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203, is amended by adding the following language as a new, appropriately designated subsection:

() (1) Notwithstanding Title 8, Chapter 44, Part 1, a local board of education may conduct a scheduled board meeting by electronic means, including, but not limited to, telephone, videoconferencing or other Web-based media, if a member is absent because the member is required to be out of the county in which the LEA is located for the member's work, a family emergency or military service. Only members who are out of the county for work, family emergency or military service may attend and participate in the meeting electronically.

(2) No board meeting shall be conducted with electronic participation unless a quorum of members are physically present at the location of the meeting.

(3) A board member wishing to participate in a scheduled board meeting electronically who is or will be out of the county because of work shall give at least five (5) days notice prior to the scheduled board meeting of the member's intention to participate electronically.

(4) No board member shall participate electronically in board meetings more than two (2) times per year; except, that this limitation shall not apply to a board member who is out of the county due to military service.

(5) The local board of education shall develop a policy for conducting such meetings.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2723**, as amended, passed its third and final consideration by the following vote:

Ayes	25
Noes	6
Present, not voting . . .	1

Senators voting aye were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Roberts, Southerland, Tate, Tracy, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Beavers, Bell, Campfield, Kelsey, Summerville and Watson--6.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2717, AS AMENDED

Mr. Speaker Ramsey moved that **Senate Bill No. 2717**, as amended, be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2787 -- DUI Offenses -- As introduced, permits a person who has been properly trained to draw blood to do so for purposes of DUI investigation; removes the requirement that a phlebotomist taking blood for DUI investigation be certified or nationally registered; and protects both from civil or criminal liability unless it arises from that person's negligence. Amends TCA Title 55, Chapter 10.

On motion, Senate Bill No. 2787 was made to conform with **House Bill No. 2858**.

On motion, House Bill No. 2858, on same subject, was substituted for Senate Bill No. 2787.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(2)(A) The following persons who, acting at the written request of a law enforcement officer, withdraw blood from a person for the purpose of conducting either or both tests, shall not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing:

(i) Any physician;

(ii) Registered nurse;

(iii) Licensed practical nurse;

(iv) Clinical laboratory technician;

(v) Licensed paramedic;

(vi) Licensed emergency medical technician approved to establish intravenous catheters;

(vii) Technologist; or

(viii) A trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood.

(B) Neither shall the hospital nor other employer of the healthcare professionals listed in this subdivision (a)(2) incur any civil or criminal liability as a result of the act of withdrawing blood from any person, except for negligence.

AND FURTHER AMEND by deleting the amendatory language of Section 2 in its entirety and by substituting instead the following:

(a) The procurement of a sample of a person's blood for the purpose of conducting a test to determine the alcohol content, drug content, or both, of the blood as provided by §§ 55-10-405 — 55-10-412, to be considered valid under §§ 55-10-405 — 55-10-412, shall be performed by a:

- (1) Registered nurse;
- (2) Licensed practical nurse;
- (3) Clinical laboratory technologist;
- (4) Clinical laboratory technician;
- (5) Licensed emergency medical technician;
- (6) Licensed paramedic;
- (7) Licensed emergency medical technician, notwithstanding any other provision of law to the contrary, who is approved to establish intravenous catheters;
- (8) Technologist;
- (9) Trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood; or
- (10) Person acting at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the Department of Health.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Thereupon, **House Bill No. 2858**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	0
Present, not voting . . .	5

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Haynes, Johnson, Kelsey, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tracy, Watson and Mr. Speaker Ramsey--22.

Senators present and not voting were: Harper, Henry, Kyle, Marrero and Stewart--5.

THURSDAY, MARCH 15, 2012 -- 61ST LEGISLATIVE DAY

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 2788** be placed on the Calendar for Monday, March 19, 2012, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2931** be moved two places down on the Calendar for today, which motion prevailed.

Senate Bill No. 3007 -- Housing -- As introduced, authorizes new mechanisms for merging or dissolving housing authorities. Amends TCA Title 13, Chapter 20.

Senate Bill No. 3007 passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 3011 -- Health, Dept. of -- As introduced, redefines indigence income, when evaluating statistics and reports submitted to the department on uncompensated care, to an amount that does not exceed 133 percent instead of 100 percent of federal poverty guidelines. Amends TCA Title 68, Chapter 1.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-108(a), is amended by deleting the period at the end of the third sentence and by adding the following:

who shall use the data strictly for its own internal purposes and for internal purposes of its members.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3011**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Kyle, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 2931 -- Uniform Commercial Code -- As introduced, revises provisions of the Uniform Commercial Code. Amends TCA Title 47, Chapter 1; Title 47, Chapter 2; Title 47, Chapter 2A and Title 47, Chapter 9.

Senator Overbey declared Rule 13 on **Senate Bill No. 2931**.

Senator Johnson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "fluids advanced or sold" in § 47-9-102(a)(2) in Section 3 and by substituting instead the language "funds advanced or sold".

AND FURTHER AMEND by deleting the language "means an interest in farm products" in § 47-9-102(a)(5) in Section 3 and by substituting instead the language "means an interest, other than a security interest, in farm products".

AND FURTHER AMEND by inserting the following language at the end of § 47-9-102(a)(5) in Section 3:

"Agricultural lien" does not include interests or liens created or arising under (i) Title 66, Chapter 12; (ii) § 66-15-101; (iii) Title 66, Chapter 20; and (iv) § 43-6-426.

AND FURTHER AMEND by deleting the language "'File number" means the number" in § 47-9-102(a)(36) in Section 3 and by substituting instead the following language:

"File number" means the number (or book and page number, if applicable, for a record described in § 47-9-502(b)).

AND FURTHER AMEND by deleting the language "which are, or are" in § 47-9-102(a)(40) in Section 3 and by substituting instead the language "which are or are".

AND FURTHER AMEND by deleting the language "Section §" in § 47-9-311(a)(2)(B) in Section 6 and by substituting instead the language "Section".

AND FURTHER AMEND by deleting the language "**Conflicting securities**" in § 47-9-317(a) in Section 8 and by substituting instead the language "**Conflicting security**".

AND FURTHER AMEND by deleting the language "or certificated security" in § 47-9-317(b) in Section 8 and by substituting instead the language "or a certificated security".

AND FURTHER AMEND by adding the following language at the end of § 47-9-317 in Section 8 as a new subsection (e):

(e) **Purchase-money security interest.** Except as otherwise provided in §§ 47-9-320 and 47-9-321, if a person files a financing statement with respect to a purchase-money security interest before or within thirty (30) days after the debtor receives delivery of the

collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

AND FURTHER AMEND by deleting the language "driver's license" wherever it appears in subdivision (a)(4) and subsection (g) of § 47-9-503 in Section 13 and by substituting instead the language "driver license".

AND FURTHER AMEND by deleting § 47-9-503(a)(4) in Section 13 in its entirety and by substituting instead the following language:

(4) Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver license or a photo identification license (pursuant to § 55-50-336) that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver license or photo identification license;

AND FURTHER AMEND by deleting § 47-9-516(b)(2) in Section 16 in its entirety and by substituting instead the following language:

(2) The amount that is tendered is not equal to or greater than the sum of the applicable filing fee plus recording tax under § 67-4-409(b), if any, based on the representation of indebtedness required thereunder;

AND FURTHER AMEND by deleting the language "the record does not provide a sufficient description" in § 47-9-516(b)(3)(D) in Section 16 and by substituting instead the language "the record does not provide the name of the debtor and a sufficient description".

AND FURTHER AMEND by deleting the language "or" at the end of § 47-9-516(b)(6) in Section 16; by deleting the language "." at the end of § 47-9-516(b)(7) in Section 16 and by substituting instead the language "; or"; and by adding the following language as a new subdivision (8) at the end of § 47-9-516(b) in Section 16:

(8) The record does not contain, either on its face or in an accompanying sworn statement, the language required under § 67-4-409(b)(5)(C) with respect to the recording tax imposed under § 67-4-409(b), if any.

AND FURTHER AMEND by deleting the language "**Transition Provision**" in the heading of Part 8 prior to § 47-9-801 in Section 20 and by substituting instead the language "**Transition Provisions**".

AND FURTHER AMEND by deleting subsection (c) of Section 21.

AND FURTHER AMEND by deleting Section 22 in its entirety and by substituting instead the following:

SECTION 22. For the purpose of the secretary of state taking necessary actions for the implementation of this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2013, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Overbey moved that **Senate Bill No. 2931**, as amended, be moved one place down on the Calendar for today, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 2717, AS AMENDED

Mr. Speaker Ramsey moved that **Senate Bill No. 2717**, as amended, be moved five places down on the Calendar for today, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 2931, AS AMENDED

Mr. Speaker Ramsey moved that **Senate Bill No. 2931**, as amended, be moved two places down on the Calendar for today, which motion prevailed.

Senator Bell moved that **Senate Bill No. 3386** be placed on the Calendar for Thursday, March 22, 2012, which motion prevailed.

Senate Bill No. 3627 -- Physicians and Surgeons -- As introduced, expands the board's authority to deny, suspend or revoke a license for any physicians supervising an unlicensed or non-physician performing hormone replacement therapy. Amends TCA Title 63.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding a new section to read as follows:

63-6-242.

(a)(1) "Hormone replacement therapy clinic" or "hormone therapy clinic" means a medical office in which the clinicians are primarily engaged in hormone replacement or supplementation therapy or a medical office which holds itself out to the public as being primarily or substantially engaged in hormone replacement therapy. For the purposes of this definition, the phrase "primarily engaged" means that a majority of the clinic's patients receive hormone replacement therapy and may be further defined by the board by rule. Hormone replacement therapy clinic does not mean a medical office in which the clinicians are primarily engaged in obstetrics and gynecology (OB/GYN), urology or primary care.

(2) "Hormone replacement therapy" or "hormone therapy" means the branch of the practice of medicine whereby the patient is treated with medications that include, but are not limited to, creams or natural formulas taken through the skin, under the tongue, in subcutaneous pellets, or orally that contain hormones that have the same bioidentical or similar chemical formula as those produced naturally in the human body or that the provider thinks or claims to be similar or identical, but shall not include the treatment of patients with birth control pills.

(b) In hormone replacement therapy clinics:

(1) All hormone replacement therapy shall be performed by a physician licensed under Title 63, Chapter 6 or 9, or delegated by such physician to a certified nurse practitioner licensed pursuant to Title 63, Chapter 7 or a physician assistant licensed pursuant to Title 63, Chapter 19; and

(2) If hormone replacement therapy is delegated, the supervising physician shall ensure that written protocols are developed for licensees to whom hormone replacement therapy is delegated, that such protocols are updated as necessary and that the patient is informed of both the name and contact information of the supervising physician and an indication of whether the physician is available on-site or remotely.

(c) A physician supervising hormone replacement therapy in a hormone replacement therapy clinic shall ensure that for each patient, all of the following requirements are met:

(1) Prior to the initial hormone replacement therapy or course of treatments, an appropriate physical examination shall be conducted;

(2) An appropriate medical history shall be taken and documented on the patient;

(3) A written order for hormone replacement therapy shall be entered by the treating provider in the patient's medical record documenting the diagnosis and medical reason for the patient's need for hormone replacement therapy. If the treating provider is not a physician, the supervising physician shall make a personal review of the historical, physical and therapeutic data gathered by the treating provider and shall so certify the review in the patient's chart within seven (7) days of the patient being served;

(4) The patient gives written consent for hormone replacement therapy, which includes notification of possible complications and reasonable expectations and any applicable FDA warnings associated with any part of the therapy; and

(5) The supervising physician shall be immediately notified upon discovery of a complication.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 9, is amended by adding a new section to read as follows:

63-9-119.

(a)(1) "Hormone replacement therapy clinic" or "hormone therapy clinic" means a medical office in which the clinicians are primarily engaged in hormone replacement or supplementation therapy or a

medical office which holds itself out to the public as being primarily or substantially engaged in hormone replacement therapy. For the purposes of this definition, the phrase "primarily engaged" means that a majority of the clinic's patients receive hormone replacement therapy and may be further defined by the board by rule. Hormone replacement therapy clinic does not mean a medical office in which the clinicians are primarily engaged in obstetrics and gynecology (OB/GYN), urology or primary care.

(2) "Hormone replacement therapy" or "hormone therapy" means the branch of the practice of medicine whereby the patient is treated with medications that include, but are not limited to, creams or natural formulas taken through the skin, under the tongue, in subcutaneous pellets, or orally that contain hormones that have the same bioidentical or similar chemical formula as those produced naturally in the human body or that the provider thinks or claims to be similar or identical, but shall not include the treatment of patients with birth control pills.

(b) In hormone replacement therapy clinics:

(1) All hormone replacement therapy shall be performed by a physician licensed under Title 63, Chapter 6 or 9, or delegated by such physician to a certified nurse practitioner licensed pursuant to Title 63, Chapter 7 or a physician assistant licensed pursuant to Title 63, Chapter 19; and

(2) If hormone replacement therapy is delegated, the supervising physician shall ensure that written protocols are developed for licensees to whom hormone replacement therapy is delegated, that such protocols are updated as necessary and that the patient is informed of both the name and contact information of the supervising physician and an indication of whether the physician is available on-site or remotely.

(c) A physician supervising hormone replacement therapy in a hormone replacement therapy clinic shall ensure that for each patient, all of the following requirements are met:

(1) Prior to the initial hormone replacement therapy or course of treatments, an appropriate physical examination shall be conducted;

(2) An appropriate medical history shall be taken and documented on the patient;

(3) A written order for hormone replacement therapy shall be entered by the treating provider in the patient's medical record documenting the diagnosis and medical reason for the patient's need for hormone replacement therapy. If the treating provider is not a physician, the supervising physician shall make a personal review of

the historical, physical and therapeutic data gathered by the treating provider and shall so certify the review in the patient's chart within seven (7) days of the patient being served;

(4) The patient gives written consent for hormone replacement therapy, which includes notification of possible complications and reasonable expectations and any applicable FDA warnings associated with any part of the therapy; and

(5) The supervising physician shall be immediately notified upon discovery of a complication.

SECTION 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3627**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2931, AS AMENDED

Thereupon, **Senate Bill No. 2931**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Watson moved that **Senate Bill No. 3645** be placed on the Calendar for Monday, March 19, 2012, which motion prevailed.

Senate Joint Resolution No. 578 -- Highway Signs -- Names bridge on State Route 11 in Marshall County in honor of the late Tim Mealer.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the word "bridge" wherever it may be found and by substituting instead the word "viaduct".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 578**, as amended, was adopted by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **House Joint Resolution No. 202** be placed on the Calendar for Monday, March 19, 2012, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 2717, AS AMENDED

Senator Ketron moved that **Senate Bill No. 2717**, as amended, be placed on the Calendar for Monday, March 19, 2012, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 1088**, as amended, be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2551 -- Sheriffs -- As introduced, decreases the amount of time that a sheriff must wait before disposing of certain unclaimed property in the sheriff's custody from six months to two months from the date of acquisition. Amends TCA Title 8, Chapter 8.

Senate Bill No. 2551 passed its third and final consideration by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator present and not voting was: Haynes--1.

A motion to reconsider was tabled.

Senator Barnes moved that **Senate Bill No. 2658** be placed on the Calendar for Thursday, March 22, 2012, which motion prevailed.

Senator Bell moved that **Senate Bill No. 3178** be placed on the Calendar for Thursday, March 22, 2012, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2829 -- Banks and Financial Institutions -- As introduced, expands the definition of a domestic holding company, for purposes of organizing, owning or controlling as a credit card state bank, from a company meeting certain requirements to a company under common control with another company that meets said requirements; extends the effective date of such expanded definition from July 1, 2012, to July 1, 2014. Amends TCA Title 45, Chapter 2, Part 19.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-2-1901(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3)(A) "Domestic holding company" means a company that either:

(i) Controls a domestic or foreign lender and has its principal place of business in this state; or

(ii) Is licensed pursuant to Chapter 7 of this title and, as of January 1, 2007, has a net worth of not less than twenty-five million dollars (\$25,000,000) and has had its principal place of business in this state for at least five (5) consecutive years.

(B) "Domestic holding company" also means a company that is under common control with a company described in (3)(A)(ii). For purposes of this subdivision (3)(B), "under common control" means no less than fifty percent (50%) ownership.

(C) Effective July 1, 2015, subdivision (3)(A)(ii) and subdivision (3)(B) are hereby deleted; however, any company that organized pursuant to subdivision (3)(A)(ii), or subdivision (3)(B), and this part prior to July 1, 2015, and that continues to own or control a credit card state bank after July 1, 2015, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part;

SECTION 2. Tennessee Code Annotated, Section 45-2-1902(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) Effective July 1, 2015, the language ", including a domestic holding company," is hereby deleted; however, any company that organized pursuant to such language, § 45-2-1901(3)(A)(ii) or § 45-2-1901(3)(B), and this part prior to July 1, 2015, and that continues to own or control a credit card state bank after July 1, 2015, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part.

SECTION 3. Tennessee Code Annotated, Section 45-2-1902(d)(1), is amended by deleting subdivision (B) in its entirety and by substituting instead the following:

(B) Effective July 1, 2015, the language "or debit, including prepaid debit," is hereby deleted; however, any company that organized pursuant to such language, § 45-2-1901(3)(A)(ii) or § 45-2-1901(3)(B), and this part prior to July 1, 2015, and that continues to own or control a credit card state bank after July 1, 2015, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part.

SECTION 4. This act shall take effect June 30, 2012, the public welfare requiring it.

Senator Ketron moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2829**, which motion prevailed by the following vote:

Ayes	24
Noes	3
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Stewart, Tate, Tracy, Watson and Mr. Speaker Ramsey--24.

Senators voting no were: Herron, Kyle and Marrero--3.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2248, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

THURSDAY, MARCH 15, 2012 -- 61ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3010, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MOTION

Senator Norris moved that the Proposed Schedule for the week of March 19, 2012, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 19, 2012**

MONDAY – March 19

5:00 p.m. Session – Senate Chamber

TUESDAY – March 20

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – March 21

8:30 a.m. – 10:30 a.m.	Transportation & Safety Committee (Final Meeting)
10:30 a.m. – 12:00 noon	Education Committee
12:00 noon – 2:00 p.m.	Energy & Environment Committee (Final Meeting)
2:00 p.m. – 3:30 p.m.	Government Operations Committee
3:30 p.m. – 5:00 p.m.	Health & Welfare Committee (Final Meeting)

THURSDAY – March 22

9:00 a.m. Session – Senate Chamber

NOTE: Council on Pensions and Insurance, Monday, March 19, 2012, at 1:00 p.m., in 29 LP.

Pre-Commerce Meeting, Tuesday, March 20, 2012, at 7:30 a.m., in 12 LP.

RECALL OF BILL

On motion of Senator Finney, **Senate Bill No. 591** was recalled from the Committee on Finance, Ways and Means.

WITHDRAWAL OF BILL

On motion of Senator Finney, Senate Bill No. 591 was withdrawn from the Senate.

RECALL OF BILL

On motion of Mr. Speaker Ramsey, **Senate Bills Nos. 3248 and 3401** were recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Mr. Speaker Ramsey moved that Senate Bills Nos. 3248 and 3401 be referred to the Committee on State and Local Government, which motion prevailed.

MOTION

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 595**.

On motion of Senator Beavers, her name was added as prime sponsor of **Senate Bill No. 674**.

On motion of Senator Tracy, his name was removed as sponsor of **Senate Bill No. 674**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bills Nos. 1452 and 2533; Senate Joint Resolutions Nos. 651, 654, 655 and 656; and House Joint Resolution No. 741**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bills Nos. 2066, 3555 and 3632**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2280 and 2395; and House Joint Resolution No. 202**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bills Nos. 2287, 2733, 3060, 3263, 3762 and 3763**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 2405, 2438 and 2787; and House Joint Resolutions Nos. 557, 577 and 737**.

On motion of Senator Kelsey, his name was added as prime sponsor of **Senate Bill No. 2637**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 2637**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2671**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 2712**.

On motion of Senator Tracy, his name was added as prime sponsor of **Senate Bill No. 2880**.

On motion of Senator Faulk, his name was removed as sponsor of **Senate Bill No. 2880**.

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On motion of Senator Faulk, his name was added as sponsor of **Senate Bill No. 2931**.

On motion of Senator Tracy, his name was added as prime sponsor of **Senate Bill No. 3283**.

On motion of Senator Gresham, her name was removed as sponsor of **Senate Bill No. 3283**.

On motion of Senator Tate, his name was added as prime sponsor of **Senate Bill No. 3327**.

On motion of Senator Ketron, his name was removed as sponsor of **Senate Bill No. 3327**.

On motion of Senator Massey, her name was added as sponsor of **Senate Bill No. 3745**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Joint Resolution No. 578**.

On motion of Senator Berke, his name was added as sponsor of **Senate Joint Resolution No. 647**.

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 648; and Senate Resolution No. 89**.

On motion of Senators Massey and Overbey, their names were added as sponsors of **Senate Joint Resolution No. 650**.

On motion of Senators Finney and Yager, their names were added as sponsors of **Senate Joint Resolution No. 652**.

On motion of Senators Berke and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 653; and Senate Resolution No. 87**.

On motion of Senators Campfield, Massey, Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 696**.

On motion of Senators Berke and Faulk, their names were added as sponsors of **House Joint Resolution No. 739**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolution No. 749**.

ENGROSSED BILLS

March 15, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bill No. 2723; and Senate Joint Resolution No. 696; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

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ENGROSSED BILLS

March 15, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2551, 2712, 2931, 3007, 3011 and 3627; and Senate Joint Resolutions Nos. 578, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664 and 665; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2337, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2854, 2856, 3007, 3283 and 3727; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3539, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 577, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 587, 785 and 790; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 758, 759, 760, 761, 762, 763, 764 and 765; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2216, 2222, 2264, 2290 and 3263; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 637, 638, 639, 640, 641, 642 and 643; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 696, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

March 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2216, 2222, 2264, 2290, 2829 and 3263; Senate Joint Resolutions Nos. 637, 638, 639, 640, 641, 642, 643 and 696; and Senate Resolution No. 87; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

THURSDAY, MARCH 15, 2012 -- 61ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 15, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 737, 738, 739, 740, 741 and 749; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

March 14, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 626, 627, 628, 630, 631, 632, 633 and 634; and Senate Resolution No. 88.

SIGNED

March 14, 2012

The Speaker announced that he had signed the following: House Bills Nos. 2328, 2489, 2491, 2496, 2754, 2764, 2936, 3008 and 3010.

SIGNED

March 15, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2226, 2297, 2384, 2466, 2490, 2576, 2647, 2766, 2841, 2885, 3379 and 3779.

SIGNED

March 15, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 737, 738, 739, 740, 741 and 749.

MESSAGE FROM THE HOUSE

March 14, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 626, 627, 628, 630, 631, 632, 633 and 634; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

March 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 1818, 3213, 3352, 3380, 3381 and 3391; and Senate Joint Resolutions Nos. 626, 627, 628, 630, 631, 632, 633 and 634; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

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MESSAGE FROM THE GOVERNOR

March 14, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 2169, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 19, 2012: Senate Joint Resolutions Nos. 666, 667, 669 and 670; and House Joint Resolutions Nos. 745, 747, 748, 752, 754, 755, 756 and 757.

This the 16th day of March, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 19, 2012: Senate Bills Nos. 2431, 2740, 2802, 2900, 2910, 2920, 2943, 3374, 3392 and 3649; Senate Resolutions Nos. 79, 80, 81 and 82; Senate Joint Resolution No. 552; and House Joint Resolutions Nos. 522 and 568.

This the 16th day of March, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Monday, March 19, 2012: Senate Bill No. 3778.

This the 16th day of March, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 19, 2012: Senate Bills Nos. 893, 2156, 2199, 2208, 2237, 2243, 2250, 2252, 2416, 2422, 2563, 2587, 2646, 2714, 2807, 2839, 2866, 2978, 3122, 3411, 2341, 2717, 2788 and 3645; and House Joint Resolution No. 202.

This the 16th day of March, 2012.
MIKE FAULK, Chairperson.

THURSDAY, MARCH 15, 2012 -- 61ST LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, March 19, 2012: Senate Bills Nos. 2248 and 3010.

This the 16th day of March, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, March 19, 2012, which motion prevailed.